

Commonwealth of Virginia Department of General Services Division of Consolidated Laboratory Services BUREAU OF FORENSIC SCIENCE

CERTIFICATE OF ANALYSIS

June 5, 1986

Northern Laboratory 2714 Dorr Avenue P. O. Box 486 Merrifield, Virginia 22116

Tel. No. (703) 573-8636

TO: Hanover Sheriff's Department ATTM: Inv. R. G. Schneider Hanover Courthouse

Hanover, Virginia 23069

Your Case #	860401	17407711
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Victim(s):

FS Lab # 86-02870

Suspeci(s): HOPKINS, James M.

Examiner: Hyron T. Scholberg

Date Received 5/22/86

Evidence Submitted By: Inv. R. G. Schneider

Item 1. Cloth

Item 2. Head hairs from victim

RESULTS OF EXAMINATION:

Item 1. A single head hair of Caucasian origin found on this item is microscopically like hairs in the known head hair sample from the victim. No other hairs suitable for comparison purposes were found.

The submitted items are being returned to the Richmond laboratory for disposition.

STATE OF VIRGINIA CITY/COUNTY OF	to-wit:	Mant he hy
made oath (1) that he performed in	of Consolidated Laboratory Services of the Commonweal	a notary public, in and for said city/county in the gned the foregoing Certificate of Analysis, before me, and after being duly sworn lerein contained, (2) that said analysis and/or examination was performed in a lith or authorized by such Division to conduct such analysis and/or examination
Given under my hand this	day of 19	- Notary Public
My commission expires	/ember 12 88 Page_1_	_O(_ 1

PATRICIA S. WRIGH COURT-APPOINTED REPORTER 2410 BLAKFRIDGE AVENUE MECHANICSVII LE, VIRGINIA 23111 (804) 746-0707

1 2 3 4 MYRON T. SCHOLBERG, called as 5 a witness on behalf of the Commonwealth, first being duly 6 sworn, testified as follows: 7 8 DIRECT EXAMINATION 9 BY MR. KIZER: 10 Sir, would you tell us your Q 11 full name? 12 Yes, my name is Myron T. Schol-13 A berg. Scholberg is spelled S-C-H-O-L-B-E-R-G. 14 Sir, what is your occupation? 15 Q I'm employed by the Commonwealth 16 A of Virginia at the Northern Virginia Crime Lab in Merrifield, 17 18 Virginia. What is the nature of your 19 Q occupation, sir? 20 21 I'm employed as a forensic A scientist and my specialty is the area of hair and fibers. 22 Will you tell us what your 23 Q 24 educational background is? 25 Yes. I hold a Bachelor of A

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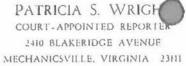
1 Science Degree and a Master's Degree in Public School Adminis-2 tration from South Dakota State University in Brooking, South 3 In addition, I taught science courses, physics, 4 chemistry, biology in public schools in South Dakota for 5 four years prior to entering the FBI in 1964. 6 Q Can you tell us what type of 7 specialized training you've received since you went into the FBI in 1964, sir? 8 9 I spent three years as a field 10 agent before I was assigned to the laboratory in Washington, 11 D. C. in 1967. The rest of that -- the remaining years of 12 my career were spent in the laboratory of the FBI in Washing-13 ton, D. C. All eighteen of these years were in the hair and 14 fiber unit, and for ten years I was an active examiner in 15 the unit. The remaining eight years I was the unit chief of 16 this particular unit and my duties then included supervising activities of the other twenty-three people in the unit. 17 18 Can you tell us what training 19 you have had in the field of hair and fiber analysis? 20 When I was assigned to the 21 laboratory in 1967, I received one year's training in the 22 hair and fiber field and this training was under the super-23 vision of the person that was then my unit chief and other

more experienced people in the unit.

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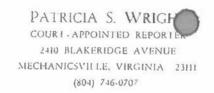
Q Can you tell us whether or not



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Scholberg	-	Direct
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1	you have ever been qualified before as an expert in courts		
2	around the United States in the field of hair and fiber		
3	analysis?		
4	A Yes. I've testified and been		
5	qualified approximately four hundred times in forty-three		
6	states and other places throughout the world.		
7	Q Specifically, in the Commonwealth		
8	of Virginia, have you ever testified and qualified as an		
9	expert in that field, sir?		
10	A Many times.		
11	MR. KIZER: Judge, I would move		
12	to qualify this witness at this time as an		
13	expert in the field of hair and fiber analysis.		
14	THE COURT: Any voir dire, Mr.		
15	Hicks?		
16	MR. HICKS: Judge, one question,		
17	if I might.		
18			
19	VOIR DIRE OF MR. HICKS:		
20	Q Are you Board-certified in the		
21	State of Virginia, sir?		
22	A I'm sorry?		
23	Q Are you Board-certified in the		
24	State of Virginia?		
25	A Am I Board-certified? No, I		



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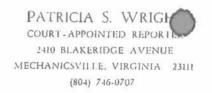
not that I --1 2 THE COURT: You have to be 3 explaining the question to him, Mr. Hicks. 4 is there a Board and what Board do you mean 5 and things of that nature? MR. HICKS: All right. 6 7 BY MR. HICKS: (Continuing) 8 9 In terms of your specialty, sir, Q are there procedures that you all have to follow in terms 10 11 of qualifications associated with the State of Virginia to be qualified as experts? 12 13 Periodically, we have -- take tests that are given. Since I started my work with the State 14 15 of Virginia in August of last year, we've had two tests that we have had -- that have been sent up by the headquarters 16 lab in Richmond whereby we have been given known and question-17 ed samples and asked to match them up, but as far as being 18 certified by a Board, I -- I'm not aware of this. 19 Are you saying, sir, that you 20 21 just started working with the Department of General Services 22 in Northern Virginia in August of last year? That's correct. 23 A 24 And, to your knowledge, you've 0 25 not taken any kinds of certification test for the State of



	Virginia to qualify you as a hair and fiber amount?
1	Virginia to qualify you as a hair and fiber expert?
2	A I've taken two and both of these
3	have been in the field of hair. I retired in March of '85
4	from the Federal Bureau of Investigation and started work for
5	the State of Virginia on a part-time basis first of August,
6	'85.
7	THE COURT: Any other questions,
8	Mr. Hicks, on voir dire?
9	MR. HICKS: Your Honor, I just
10	have some things we might take out of the
11	presence of the jury.
12	MR. KIZER: Judge, I'd like to
13	ask him some more questions before we do that.
14	THE COURT: All right, go ahead,
15	Mr. Kizer.
16	
17	BY MR. KIZER: (Continuing)
18	Q Mr. Scholberg, to your know-
19	ledge, is there any Board which certifies persons who are
20	experts in the field of hair and fibers in the State of
21	Virginia?
22	A Well if there is, I haven't
23	I haven't heard of it.
24	Q Are you a member of any type
25	of fraternal organization that is devoted to the science of

1	hair and fiber analysis or any type of professional organi-
2	zations?
3	A At the present time, no.
4	Q Have you during the past?
5	A Yes, I have been.
6	MR. KIZER: All right. That's
7	all the questions I have.
8	THE COURT: I'm going to declare
9	him certified. We can make a record later.
10	Go ahead, Mr. Kizer.
11	MR. KIZER: Sheriff, would you
12	show the witness the red tie that I believe is
13	Commonwealth's Exhibit Number 8?
14	
15	BY MR. KIZER: (Continuing)
16	Q Mr. Scholberg, Commonwealth's
17	Exhibit Number 9, the red tie, and Commonwealth's Exhibit
18	Number 10, which is an envelope, have you ever seen those
19	items, sir?
20	A Yes. I've seen both of these
21	items. Item Number 1, which is Exhibit Number 9, is a rust-
22	colored cloth that contains my initials, MTS, that I placed
23	on the item at the time of examination. Commonwealth's
24	Exhibit Number 10, an envelope containing what was identified
25	to me as head hairs from , and this item also
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contains my initials, MTS, that I placed on the exhibit at	
the time of the examination.	
Q Those are what is commonly	
referred to as known hair samples as opposed to questioned	
hair samples?	
A Yes. This was identified to me	
as a known head hair sample.	
Q From ?	
A That's correct.	
Q What was the purpose of your	
examination when you received those items, sir?	
A I was asked to examine the rust-	
colored cloth for any hairs that might be adhering to this	
item and if I found any hairs, to compare them with the hairs	
that were identified to me as coming from	
Q Was the rust-colored tie	
packaged as it is now in a sealed, cellophane envelope at	
the time that you received it?	
A Yes. When I received it, it	
was I received it in a sealed condition.	
Q Did you search that tie for any	
hair fibers on it, sir?	
A Yes, I did.	
Q Were you able to locate on the	
tie any hair fibers?	



1	A Yes, I was.
2	Q Would you tell us what you
3	located?
4	A I found two may I refer to
5	my notes, Your Honor?
6	THE COURT: Yes, sir.
7	A (Continuing) I found two limb
8	hairs of Caucasian origin that, in my opinion, were not
9	suitable for comparison purposes. I also found a single
10	head hair of Caucasian origin approximately five inches
11	in length. This hair had a root that had been forcibly
12	removed from the skin surface. This is the extent of the
13	hairs that I found on this item.
14	Q So you actually found a total
15	of three hair fibers, two that you refer to as limb fibers.
16	That, I take it, would be leg or hair or arm hairs, is
17	that correct?
18	A Yes.
19	Q And you said they were not
20	suitable for comparison, is that right?
21	A Limb hairs are usually are
22	not.
23	Q When you examine a head hair
24	such as the one you found on that particular tie, will you
25	tell the ladies and gentlemen of the jury what types of

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things you were able to determine and what types of things you're able to rule out with regard to such a hair?

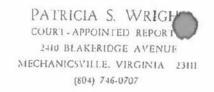
whether the hair is an animal or human hair and, if it would be an animal, it would be possible for me to tell what kind of an animal it came from. If it's a human hair, it would be possible for me to determine the race that this hair originated from, the body area, whether the hair had been forcibly removed if it contained a root and it would also be possible for me to tell whether the hair had been chemically treated, by that I mean bleached, dyed in some manner, and also if the hair has been damaged in any way. These are all done by microscopic examination.

Q Are you also able to compare fibers -- hair fibers such as the one you found on that red tie with known hair fibers and make comparisons of those two?

A Yes. This examination is done on a comparison microscope. A comparison microscope is two compound microscopes going together by a bridge. I would mount the hairs found on the rust-colored cloth and also the hairs identified to me as the known specimen and place them on glass microscope slides, which are contained in these packets. Then I would examine the hairs under my comparison microscope which makes it possible for me to view

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9 both slides simultaneously, allowing me to observe all the microscopic characteristics of the known hairs with the 3 characteristics of the hair which I would refer to as a questioned hair because I'm trying to identify it or 5 associate it. Now the questioned hair that 6 Q 7 you removed from the tie in this case, were you able to determine what -- whether or not it was animal or human hair? 8 9 Yes, it was a Caucasian head 10 hair. 11 And were you able to determine Q 12 whether or not it was forcibly removed or not? 13 Yes. It had a root that exhibit-A 14 ed shriveled characteristics and distorted characteristics 15 and it was forcibly removed from the scalp. 16 Did you have occasion to compare 17 that questioned hair fiber with the known hair fibers of 18 19 A Yes, I did. 20 Will you explain to the ladies 0 21 and gentlemen of the jury what your results were when you 22 did that comparison? 23 Yes. When I compared the 24 questioned hair found on the rust-colored cloth with the 25 head hairs identified to me as coming from



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these are Commonwealth's Exhibits 9 and 10 -- I found that the Caucasian head hair removed from this item was microscopically alike in all areas of detail with the head hairs identified to me as coming from . Commonwealth's Exhibit 10. They were alike in all identifiable microscopic characteristics and my conclusion was that this hair could have originated from this individual. Did you find any dissimilarities 0 whatsoever between the questioned sample and the known hair samples of There -- there were dis-A similarities in some of the hairs in the known sample because of the variety of characteristics in the -- in the known sample that I received. Some of these hairs exhibited characteristics of hairs that have been chemically treated, but I was able to match the hair found on the rust-colored cloth with hairs included in this exhibit, Commonwealth's Exhibit Number 10. Will you tell the ladies and gentlemen of the jury, please, how likely it is that two persons will have hairs that are microscopically similar? You'll notice that my conclusion was that this hair could have originated from this individual and the reason for that conclusion is that hairs

are not a positive means of identification. That is the

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1 reason why my conclusion is could have and, although it is a fact that it is not a positive identification, very seldom 3 do I work a case where I have known hair samples where hairs from two different people are so nearly alike that I can't 5 tell the difference. There are a very few times that has occurred and, of course, that's why hair identification is 6 7 not positive. Q Is what you're saying in this 8 9 case you could not tell any difference between --MR. HICKS: Your Honor, I think 10 11 he's leading the witness aside from what the 12 witness has already said. 13 THE COURT: Yes, sir, you --14 don't restate his question, Mr. Kizer. 15 16 (Continuing) BY MR. KIZER: Could you tell any difference 17 18 between the known hair sample and the questioned one in this 19 case? 20 A No. I couldn't. 21 And with regard to whether or Q 22 not hair samples are a positive source of identification, 23 you said -- if you plucked two hairs from the same person's

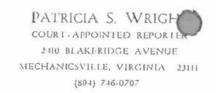
head right now, you did it yourself, and examined them micro-

scopically you, likewise, could not testify positively that

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Scholberg - Direct

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1	they came from the same person, could you?
2	MR. HICKS: Your Honor
3	A That's that's correct.
4	MR. HICKS: I'm going to
5	have to object. I don't think a foundation's
6	been laid for this kind of hypothetical ques-
7	tion.
8	THE COURT: No, I think he can
9	ask that question. Your objection's over-
10	ruled.
11	Go ahead, Mr. Kizer.
12	MR. HICKS: Thank you, Your
13	Honor.
14	A (Continuing) Yes. Yes, that
14	A (Continuing) Yes. Yes, that would be correct.
15	would be correct.
15	would be correct. MR. KIZER: Judge, I would move
15 16	would be correct. MR. KIZER: Judge, I would move to introduce into evidence for the purposes
15 16 17 18	would be correct. MR. KIZER: Judge, I would move to introduce into evidence for the purposes of the trial the tie, if it hasn't already
15 16 17 18	would be correct. MR. KIZER: Judge, I would move to introduce into evidence for the purposes of the trial the tie, if it hasn't already come in, and the questioned hair sample, as
15 16 17 18 19	would be correct. MR. KIZER: Judge, I would move to introduce into evidence for the purposes of the trial the tie, if it hasn't already come in, and the questioned hair sample, as well as the known hair samples.
15 16 17 18 19 20 21	would be correct. MR. KIZER: Judge, I would move to introduce into evidence for the purposes of the trial the tie, if it hasn't already come in, and the questioned hair sample, as well as the known hair samples. THE COURT: All right, sir.
15 16 17 18 19 20 21 22	would be correct. MR. KIZER: Judge, I would move to introduce into evidence for the purposes of the trial the tie, if it hasn't already come in, and the questioned hair sample, as well as the known hair samples. THE COURT: All right, sir. They're now into evidence, 9 and 10.



1	MR. HICKS: I do have some
2	objections to that being introduced into
3	evidence.
4	THE COURT: All right. Cross-
5	examine him.
6	CROSS-EXAMINATION
7	BY MR. HICKS:
8	Q Mr. Scholberg, you stated that
9	you found some hairs that are dissimilar, is that correct?
10	A I found two additional hairs
11	that were not suitable for comparison purposes. They were
12	not head hairs.
13	Q Now let me ask you this, sir.
14	From and I believe this is the you have the laboratory
15	report that you submitted, okay.
16	All right, from the laboratory
17	report that you submitted, could you tell us the sex of that
18	person, sir?
19	A No.
20	Q All right. Now you said that
21	you had hair from the known sample of , is that
22	correct?
23	A That's correct.
24	Q All right, and you said that
25	you found that the hair had been removed from the root, is

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Scholberg - Direct

1	that comment?
	that correct?
2	A It appeared it had been forcibly
3	removed, right.
4	Q Could you tell how long that
5	had been done, sir?
6	A No.
7	Q Now let me ask you this, sir.
8	You have already stated this is not an exact science, is
9	that correct?
10	A I've stated that I cannot make
11	a positive identification. If that's what you mean, yes,
12	that's correct.
13	Q Okay, that's correct. You say
14	that could have been removed, is that correct?
15	A No, it was it was removed
16	forcibly. That's a positive statement. It had a root that
17	had been forcibly removed.
18	Q All right, and let me ask you
19	this, sir. Who else's hair samples did you compare this
20	with?
21	A This was the only known hair
22	sample that I had.
23	Q All right. Did you make any
24	comparison samples with, say, members of her family?
25	A Well I just I just previously

1	said this was the only known hair sample I had.
2	Q Okay. You had none from this
3	defendant here?
4	A If this was the only one that
5	I had, no.
6	Q All right. Now you stated you
7	had those two limb hairs, is that right?
8	A That's correct.
9	Q And other than that, you said
10	that you found one approximately five inches, is that right?
11	A That's correct.
12	Q All right, and your statement
13	is that it was microscopically alike, is that correct?
14	A Well my statement isn't that
15	it was only microscopically alike. My statement is that
16	they were alike microscopically in all identifiable charac-
17	teristics that I could observe based on my microscopic
18	examination.
19	Q And your own sample which you
20	included is that of the known sample, is that correct?
21	A That's correct.
22	Q And the only head hair you
23	found suitable was one hair, is that correct, known sample?
24	A I'm sorry, I didn't understand
25	your question.

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Scholberg - Direct

Q The only hair that you found
was one for suitable comparison?
A One hair suitable for comparison
on this item. All of the hairs in the known specimen are
suitable for comparison.
Q And let me ask you this, sir.
In a population of, say, a hundred Caucasians, how many
persons would have hair most like the one that you found?
A Of course, I couldn't answer this
until I looked at the hair from a hundred Caucasians, but
based on my experience and what I previously said, very
seldom do two people have hairs so nearly alike that I can't
tell the difference.
Q And you said that you're not
able to determine the sex of hair?
A We don't have that capability
at in the State of Virginia.
MR. HICKS: Thank you, sir.
MR. KIZER: One other question.
REDIRECT EXAMINATION
BY MR. KIZER:
Q Mr. Scholberg, you were
questioned on cross-examination about the probabilities of

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1	finding a similar hair. Are you acquainted with any studies
2	which indicate the probabilities of finding such a hair in
3	a comparison such as the one that you did?
4	A I personally and the FBI have
5	not done any probability studies. There have been probabi-
6	lity studies conducted.
7	Q Are you aware of the results of
8	those studies, sir?
9	A Yes, sir, I am.
10	Q Specifically, a study that was
11	done in Canada?
12	A Yes.
13	Q What were the
14	MR. HICKS: I'm going to object
15	to that until we can unless we can produce
16	those here.
17	THE COURT: Yes. I think you've
18	got to lay a whole lot of groundwork.
19	MR. HICKS: A whole lot of
20	groundwork for that.
21	MR. KIZER: He was asked by the
22	defendant on cross-examination.
23	MR. HICKS: Nothing about Canada.
24	Your Honor, I think it is a matter once again
25	THE COURT: If you could ask the
14	

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1	question that the defendant asked Mr.
2	Hicks asked, how many in a hundred-person
3	sample. If that study reflects that, then
4	it comes in for whatever value it has.
5	
6	BY MR. KIZER: (Continuing)
7	Q In the study with which you
8	are aware, sir, how many persons in a
9	MR. HICKS: Your Honor, I renew
10	my motion again.
11	MR. KIZER: Judge, I'm trying
12	to ask the exact same question.
13	THE COURT: Yes, let him ask
14	the question and I'm going to let the man
15	let Mr. Scholberg answer.
16	
17	BY MR. KIZER: (Continuing)
18	Q Mr. Scholberg, in the study
19	with which you are familiar, how many persons of the Cauca-
20	sian Race in a hundred-person sample or what fraction of
21	that would have or be likely to have the same type of charac-
22	teristics as the hair you found in this particular sample?
23	A In the study of what you're
24	referring to done by the Royal Canadian Mounted Police
25	MR.HICKS: Your Honor, I must

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1	again persist with this. The sample I asked
2	was about a hundred persons. We're again
3	going through this Canadian persons again
4	outside the scope of what cross-examination
5	was.
6	THE COURT: No, sir. He has the
7	right and the jury has the right to weigh it
8	on what the study was based on. You can
9	cross-examine him on the study, but he has a
10	right to answer as to that particular study.
11	Go ahead, Mr. Scholberg.
12	A (Continuing) The study done in
13	Canada, which was done in 1975 by Barry Gaudet, who is a
14	reputable forensic examiner
15	THE COURT: Yes. Now that's
16	an opinion. That's not proper.
17	MR. HICKS: Your Honor, that's
81	objectionable.
19	THE WITNESS: Okay, Your Honor.
20	MR. HICKS: Your Honor, this
21	Your Honor
22	A (Continuing) The
23	MR. HICKS: excuse me, Mr.
24	Scholberg.
25	MR.KIZER: Judge, I

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	MR. HICKS: Your Honor, we
1	
2	may I have a motion I think we need to take
3	up right now.
4	THE COURT: All right, take the
5	jury out, Mr. Martin.
6	
7	
8	NOTE: The jury having left the
9	Courtroom, the hearing continues as follows:
10	
11	
12	JURY OUT
13	
14	THE COURT: All right, state
1.5	your position, Mr. Hicks.
16	MR. HICKS: Your Honor, at this
16	MR. HICKS: Your Honor, at this time the defense would have to move for a
17	time the defense would have to move for a
17	time the defense would have to move for a mistrial in terms of the conclusion made by
17 18	time the defense would have to move for a mistrial in terms of the conclusion made by Mr. Scholberg and with reference to the person
17 18 19 20	time the defense would have to move for a mistrial in terms of the conclusion made by Mr. Scholberg and with reference to the person who he's assailing as the expert in terms of
17 18 19 20 21	time the defense would have to move for a mistrial in terms of the conclusion made by Mr. Scholberg and with reference to the person who he's assailing as the expert in terms of his reputation, again, far exceeding anything
17 18 19 20 21 22	time the defense would have to move for a mistrial in terms of the conclusion made by Mr. Scholberg and with reference to the person who he's assailing as the expert in terms of his reputation, again, far exceeding anything that's been brought up on cross-examination

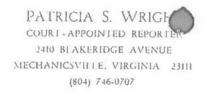
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JURY OUT

cross-examination. Again, I think the answers or the statements that have been made are clearly and highly prejudicial towards the defendant in this case and any other statements that come out of the mouth of Mr. Scholberg is tainted with that, in fact, Your Honor, and I'd ask the Court to entertain this.

MR. KIZER: Judge, the defendant's question, to begin with, which is what I followed up on was to the witness, are you aware of any statistics, and then he went on. Obviously, if he's aware of any statistics, it's got to come from some place. The Court allowed the question. With regard to whatever reputation the person who conducted the study has, I -- the Court simply has to instruct the jury not to consider it and I will ask the witness to confine his answer to the results of the study and not who did them or under what circumstances, but it's not a proper motion for a mistrial.

THE COURT: It appears to the Court that the defendant started down this



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road and the questions that have been asked now are proper. The -- Mr. -- I caution Mr. Scholberg to make his answers a little more responsive rather than giving opinions, but he has stated for the record that he has done no study but he is able to recite from a study that's been done in Canada and I think he has a right to put that on.

Mr. Hicks, you have a right to examine him further on that study in recross, if you so desire. I'm going to let him testify as to what the results of that study is, but, Mr. Scholberg, don't give an opinion as to the authenticity or the -- whether it's good, bad or indifferent.

All right, bring the jury back in.

MR. HICKS: Judge, for the record, I would make exception to the motion.

THE COURT: Yes, sir.

MR. KIZER: Judge, to accommodate Mr. Hicks, I would ask that you advise the jury not to consider the remarks about the

261.

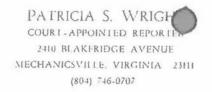
JURY OUT

person who did the study.

JURY IN

NOTE: At this time all jurors return to the Courtroom, and the hearing continues as follows:

THE COURT: Now, members of the jury, the Court will caution you that when we talk about studies and tests and things of this nature done by someone other than the witness which is testifying, it is a question of fact and, therefore, it's in your realm. It may be good and it may be bad. You determine whether it is and what weight is to be given to it. I don't know how else to express it to you, but any comments from this witness as to what he thinks the study is, is not admissible. You can't consider that. It's a question of fact. If the Canadian study is



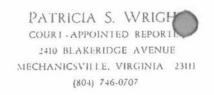
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262.

1 good, bad or indifferent, that's something 2 you have to determine, but he has a right to 3 say what the results of that study were. Go ahead, Mr. Kizer. 5 BY MR. KIZER: (Continuing) 6 7 Mr. Scholberg, I'll try and 0 8 repeat the question and ask you to answer it, please. 9 Are you aware of any statistics 10 that have been formulated as to the probability of the amount 11 of persons within a one hundred-person group of Caucasian 12 males or any fraction of that group that would be likely to 13 have the same characteristics -- hair characteristics as you 14 found in this comparison? 15 In a Canadian study, the results 16 showed -- this was a matching study comparing questioned 17 hairs with known hairs. The results indicated that if a 18 questioned hair matched a known sample, the chances of that 19 hair not originating from that person would be about forty-20 five hundred to one. 21 MR. KIZER: That's all the 22 questions I have. 23 THE COURT: Any recross on that, 24 Mr. Hicks?

MR. HICKS:

No questions.



1	THE COURT: All right. May Mr.
2	Scholberg be excused?
3	MR. KIZER: Judge, I'd ask that
4	he stay outside.
5	THE COURT: All right, go back
6	outside, Mr. Scholberg, and do not discuss
7	what's gone on in the Courtroom.
8	THE WITNESS: Does that mean
9	I'm not excused, Your Honor?
10	THE COURT: You're not excused.
11	You stay in the complex.
12	
13	*************
14	WITNESS STOOD ASIDE
15	
16	THE COURT: Next witness, Mr.
17	Kizer.
18	MR. KIZER: Judge, at this point
19	I would move to introduce all of the exhibits
20	into evidence for the purposes of the trial.
21	I don't know that I don't know whether the
22	Court has made its final ruling on all of
23	them, but I would move to do that at this
24	time.
25	THE COURT: All right. I think
- 1	